

## ATTACHMENT

### GENERAL

Chapter 1959, Statutes of 1996 (SB 1872), provide that a County Superintendent of School (CSS) that elects to operate a program for community school pupils may apply under the provisions of the Lease-Purchase Program to lease portable classrooms and acquire land for purposes of educating such pupils. These classrooms are to be adequately equipped to meet the educational needs of the pupils including, but not limited to, sinks and restroom facilities. Current law allows the CSS to apply to the State Allocation Board (SAB) to lease portable classrooms under the provisions of the State Relocatable Classroom Program (SRCP) under Category B. However, this program is limited to classroom space only and the classrooms must be located on existing land already owned or to be acquired by the CSS. Therefore, the SRCP may not always meet the needs of the County Community School Program (CCSP).

CCSP are available for students that have been expelled from the regular school program or have been adjudicated and assigned to a CCSP by the courts. Current law does not mandate that the CSS educate these pupils; however, it does require all expelled students to be placed in an alternative program, effective July 1, 1997. If a CCSP is operated by the CSS, the CSS must do one of the following to house these pupils:

1. Utilize available facilities that conform to Title 24 of the California Code of Regulations.
2. Apply for portable classrooms pursuant to the Lease-Purchase Program.
3. Apply for portable classrooms pursuant to the SRCP.
4. Enter into a lease agreement provided the facilities to be leased are limited to one of the following:
  - a. Single story, wood-framed structure.
  - b. Single story, light steel frame structure.
  - c. A structure where a structural engineer has submitted a report that determines substantial structural hazards do not exist. The report is subject to rejection by the county board of education if there is evidence of fraud regarding the facts in the report.

Prior to entering into a lease for facilities outlined in a, b and c above, the CSS must certify that all reasonable efforts were made to house community pupils in facilities that conform to Title 24 requirements.

Each CSS that operates a program for community school pupils must report to the SAB every three years on the facilities utilized for the operation of community schools and efforts to house these pupils in facilities that conform to Title 24 requirements.

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#### APPLICATION FOR LEASE PURCHASE FUNDING

A CSS may apply to lease portable facilities for housing community school pupils utilizing the existing application package developed for the new construction program. The application must include a letter from the CSS indicating it is applying for funds to lease facilities for community school pupils and include a statement that certifies the following:

1. That it has utilized all facilities available that meet Title 24 requirements.
2. That the portable classrooms available under the SRCP do not meet the educational requirements of the CCSP.
3. That there are no facilities reasonably available to lease that meet any of the following:
  - a. A single story, wood framed structure.
  - b. A single story, light steel frame structure.
  - c. A structure where a structural engineer has submitted a report that determines substantial structural hazards to not exist.
4. That any facilities leased from the SAB for community school pupils will be used solely for the operation of the county CCSP.

CSS may apply for Lease-Purchase funds to lease a standard 24' x 40' (i.e. 960 square feet) portable classroom similar to those leased under the provisions of the SRCP or a larger portable classroom of 1,440 square feet that includes office and restroom space similar to those leased under the provisions of the Child Care Program. If the CSS proposes to lease the standard portable classroom, it is encouraged to apply under the provisions of the SRCP for the classroom space, if possible. Regardless of which portable classroom the CSS desires to lease under the Lease-Purchase Program, the SAB will require that the CSS design and construct the classroom to meet certain design criteria so the facility may be used at a later date for other programs administered by the SAB. To accomplish this, the SAB will provide the CSS with a basic schematic design that must be followed when the CSS architect is preparing the plans and specifications (P&S) for the construction of the facility. All P&S developed by the CSS for any portable classroom and bids for their construction must be developed to ensure that solicitations will be received by more than one responsible bidder.

Applications may be submitted for any combination of portable buildings on a district owned site, a site to be purchased as part of the application or a site where the CSS has a ground lease for at least 40 years. Applications may also be submitted for land only when the CSS will lease the facility under the provisions of the SRCP or the CSS has a 40 year lease on buildings that will be used to house the community school pupils.

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All eligible projects may include the following amounts for funding:

1. Reasonable cost for site acquisition in accordance with SAB policy.
2. Necessary planning costs in accordance with established SAB policy.
3. Funds for the construction of the classroom facility; however, the SAB has the authority to reject all bids if they appear high.
4. Reasonable cost for off-site and service site development in accordance with SAB policy.
5. General site development cost necessary to reasonably develop the site.  
Development may include parking and playground area for such sports as basketball or handball. Final determination of the general site allowance will be made by the Office of Public School Construction. The CSS may appeal to the SAB if it believes this allowance is inadequate.
6. A flat allowance of \$2,000 per standard 960 square foot classroom and \$3,000 per 1,440 square foot classroom will be provided for furniture and equipment needs.
7. Necessary tests and inspection costs.

#### ELIGIBILITY CRITERIA

One classroom will be provided for each 15 units of eligible average daily attendance (ADA) of community school pupils. If the eligible ADA falls below 15, a classroom will be provided only if the ADA is at least five. Each CSS will be required to certify the eligible ADA based on the following criteria:

1. All enrollment reported for community school pupils must first be adjusted to include only time spent in the classroom for community school pupils on independent study.
2. Indicate the enrollment (after adjustment in 1. above) for community school pupils as reported on the latest (use either spring or fall) California Basic Enrollment Data Systems (CBEDS) report.
3. Indicate the enrollment (after adjustment in 1. above) for community school pupils as reported on the CBEDS report for the prior year.
4. The difference between items 2 and 3, multiplied by .97, represents the CSS ADA eligibility for CCSP.

In future years, ADA eligibility may roll over to the next year if facilities are not provided by the SAB in the current year due to funding constraints.

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## OTHER LEASE PURCHASE PROGRAM CRITERIA

All existing Lease-Purchase Program criteria will apply to the lease of portable facilities with the exception of the Lease-Purchase Agreement. A lease purchase agreement will only be required when the CSS will be acquiring land under the application. All CSS will be required to enter into a lease agreement with the SAB for the lease of the portable classrooms that require the lessee to undertake all necessary repairs, renewals and replacements to ensure the facility is at all times kept in good repair, working order and condition.

## ACQUISITION OF LAND

Acquisition of land will be allowed up to a maximum of 10,000 square feet of useable area for each eligible classroom. Exceptions to this limit may be made by the SAB when it is determined that additional land is needed to meet local zoning and land use requirements or for health or safety considerations. Selection of land shall be made in accordance with existing SAB policy. Any land purchased as part of the application shall be the property of the district, however the SAB will file a lien on such property during the life of the lease purchase agreement (i.e. 40 years).

## LEASE OF FACILITY

The SAB will charge the CSS an annual rental fee of \$4,000 per classroom for the standard 960 square foot unit. An annual rental fee of \$6,000 will be required for the larger units of 1,440 square feet that include office and restroom space. Rental fees shall be due and payable in advance beginning on September 1st of each year. Rental payments shall commence 30 calendar days after the life of the construction contract has expired. All rental proceeds shall be returned to the Lease-Purchase Contingency Reserve Fund for future allocation by the SAB.

No rental fee will be charged if the application is for land only.

## FUNDING PRIORITY

The CSS may apply for funding either as a funding priority one or two project. All requests will then be processed and funded by date received along with all other regular priority one or two projects. It is anticipated that most CSS applications will be for funding priority two. If separate funding is provided for this program, applications will receive processing priority by the OPSC, but only to the extent of the funds set aside for the program.

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### CHARGABILITY OF SPACE

Any facilities constructed for lease for community school pupils by the CSS will be deemed chargeable space for purposes of future applications for CCSP funding. Space constructed and leased for this purpose will not be deemed chargeable space for purposes of eligibility for other CSS Lease Purchase-Program entitlements.

Any classroom space acquired or constructed by a school district for purposes of operating community day schools is deemed nonchargeable space if the space is not located on a regular school site. All other facilities acquired or constructed for such purposes by a school district shall be deemed chargeable space for purposes of Lease-Purchase Program entitlements; however, consideration will be given to the needs of the district for its community day school program.

### DISPOSITION OF FACILITIES WHEN NO LONGER NEEDED

When the CSS surrenders the facility, all classroom space will be removed from the site at SAB expense and used for other eligible CCSP or other programs administered by the SAB. Any land purchased and developed as part of the application shall be required to be sold and the proceeds subject to the established SAB policy regarding property disposition.

### REPORTING

Each CSS that operates a CCSP shall report to the SAB on or before September 1, 1999 and every three years thereafter on the facilities utilized for the operation of community schools and the efforts made to house these pupils in facilities that conform to Title 24 requirements. Form SAB 406A shall be used for this purpose.